FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1328 OF 2004

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.D.R.More, APP. for the Appellant.

CORAM : R.S. MOHITE,J.
DATED : 09/1/2006.

P.C.

1. The State has filed this appeal impugning a judgment dated 31.7.2004 passed by the J.M.F.C. Nashik road acquitting the accused for offences punishable under Section 323,325,504 read with 34 of the I.P.C. and Section 37(1)/135 of the Bombay Police Act. On Perusing the impugned judgment and order, it is clear that cogent reasons are given for acquittal. There is delay of 30-hours in filing of the complaint. The explanation for delay given by the complainant to the effect that he has become unconscious has been

negatived on the basis of the evidence of the Medical Officer. As far as seizure of weapons, panchas were not examined by the prosecution. The court has also accepted the defence of alibi which has been proved by the defence by producing the muster roll maintained by the office which indicates that the applicant was present in the office from 7.00 a.m. to 7.00p.m. In my view, this is not a fit case for interference . Hence, leave refused. Consequently the appeal stands dismissed.

(R. S. MOHITE, J.)